

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY ) MDL No. 1456  
AVERAGE WHOLESale PRICE )  
LITIGATION ) Master File No. 01-cv-12257-PBS  
)  
) Subcategory No. 06-11337-PBS  
) Civil Action No. 08-cv-10852

THIS DOCUMENT RELATES TO: )  
*United States of America ex rel. Ven-A-* ) Judge Patti B. Saris  
*Care of the Florida Keys, Inc., by and* )  
*through its principal officers and* )  
*directors, Zachary T. Bentley and T. Mark* )  
*Jones v. Actavis Mid Atlantic LLC, et al.* )  
)

**JOINT NOTICE OF SETTLEMENT OF VEN-A-CARE CLAIMS AS TO THE  
WATSON PARTIES AND REQUEST THAT COURT DISMISS SETTLED CLAIMS IN  
ACCORDANCE WITH STIPULATION OF DISMISSAL WITH PREJUDICE OF  
WATSON PARTIES AND MOTION FOR ORDER OF DISMISSAL WITH PREJUDICE**

Ven-A-Care of the Florida Keys, Inc. (the “Relator”) and SCHEIN  
PHARMACEUTICAL, INC. and WATSON PHARMACEUTICALS, INC. (collectively  
WATSON) hereby notify the Court that they have reached a comprehensive settlement, of all  
matters between them, in the above action under the *qui tam* provisions of the federal False  
Claims Act, 31 U.S.C. § 3729, *et seq.* The Relator and WATSON have filed their Stipulation of  
Dismissal with Prejudice attached to which are copies of the fully executed Settlement  
Agreement and Release (Exhibit A) and the proposed Order of Dismissal With Prejudice  
(Exhibit B). The Relator and WATSON jointly request that the Court consent to the dismissal  
pursuant to 31 U.S.C. § 3730(b)(1) and enter the proposed Order of Dismissal With Prejudice and  
further state as follows:

1. The Settlement also encompasses settlements of the Relator's companion state *qui tam* claims relating to Florida and Texas. This Court's approval of the Settlement and entry of the proposed Order of Dismissal with Prejudice is a condition to the settlement as to Florida and Texas as well as to settlements reached with certain other government plaintiffs.

2. Florida and Texas have joined in the Settlement and the United States has given its consent in the form specified as Exhibit 1 of the Settlement Agreement. The United States' consent is attached as Exhibit 1 to the instant Notice. The Relator has been instructed by the United States to file its executed consent with the Court upon WATSON's deposit of the agreed Seventy-Nine Million Dollars (\$79,000,000.00) into the escrow account provided for in the Settlement Agreement. WATSON has now fully funded the escrow account and the Relator has filed the consent with the Court as Exhibit 1 to the instant Notice.

Wherefore, the Relator and WATSON request that the Court consent to the settlement and dismissal and enter the Order of Dismissal With Prejudice in accordance with the parties' Stipulation filed herewith.

Respectfully submitted,

/s/ James J. Breen  
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Counsel for WATSON

### **CERTIFICATE OF SERVICE**

I hereby certify that true and accurate copies of the foregoing document, filed this 14th day of September, 2011 via the Court's ECF system, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case management Order No 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Alison W. Simon

ALISON W. SIMON